In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.33620-M of 2007

.....

Date of decision:12.7.2007

Jagroop Singh alias Jagdeep Singh alias Jaggi

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Ms. Manjit Kaur Sandhu, Advocate for the petitioner.

Mr. I.P.S. Sidhu, Senior Deputy Advocate General, Punjab for the respondent-State.

.....

S.S. Saron, J.

The petitioner Jagroop Singh alias Jagdeep Singh alias Jaggi seeks regular bail in case FIR No.44 dated 23.4.2007 registered at Police Station Sultanpur Lodhi for the offences under Sections 420 and 406 IPC and Section 24 of the Immigration Act, 1983.

The FIR has been registered on the complaint made by Karam Singh and Nirmal Singh. It is alleged that the application has been filed for proceeding against the petitioner and one Manjit Kaur for cheating and extracting money amounting to Rs.12 Lacs for sending the wards of the complainants abroad. The petitioner and one Kulbir Singh, resident of Village Jatpura and Manjit Kaur, resident of Village Jagraon, it is alleged, took Rs.1 Lac for sending Baljinder Singh alias Laddi and Manjit Singh son

of Diwan Singh to Australia. It is alleged that they took Manjit Singh and Baljinder Singh to Malaysia where they were kept for two months and 24 days. They were threatened to make calls to their homes to inform that they had been granted visas for Australia and their tickets were O.K. so that the remaining amount should be paid to the agents. Accordingly, Baljinder Singh and Manjit Singh made telephone calls to the complainants that they have been granted visas and they were told to give the remaining amount to the petitioner. On 27.11.2006, the petitioner and Kulbir Singh reached Village Nasirewal and the money was given to them in the presence of Smt. Surjit Kaur, mother of Manjit Singh and Pardaman Singh son of Ram Singh, father's younger brother of Baljinder Singh. After taking the money the agents assured the complainants not to worry as their wards would safely reach Australia. Thereafter, on 24.1.2007, Baljinder Singh and Manjit Singh came to India. Their condition was bad and then it transpired that the travel agents had cheated them. Efforts were made to retrieve the money. When unsuccessful the FIR was registered.

It is submitted by the learned counsel for the petitioner that the FIR against the petitioner has been planted. The petitioner has no link whatsoever with travel agents Kulbir Singh and Manjit Kaur. It is submitted that as per knowledge of the petitioner the above said two persons are residing at Malaysia and since the complainant party came to know that the above persons were residing at Malaysia they falsely implicated the present petitioner in the case. It is submitted that the complainants were not known to the petitioner and they had never met the petitioner. Even, the name of the petitioner is wrongly mentioned Jagroop Singh in the FIR/complaint to SSP, Kapurthala and the address given by the

complainant is also wrong. No money was ever given to the petitioner. The petitioner, it is stated, is not a travel agent nor he has any office. He is rather running a paying guest business at House No.75, Sector 21-A, Chandigarh. The petitioner is in custody since 23.4.2007 and, therefore, he is entitled to bail.

In response, learned counsel for the State has submitted that the allegation against the petitioner is that he along with his co-accused had cheated the complainants of Rs.12 Lacs for sending Baljinder Singh and Manjit Singh to Australia and he instead sent them to Malaysia from where they were deported. Therefore, the petitioner is not entitled to bail.

After hearing learned counsel for the parties and perusing the record it may be noticed that the petitioner is in custody since 23.4.2007. The case is triable by a Magistrate of Ist Class and the trial is likely to take time. The allegations against the petitioner are to be proved during the regular trial in the case. The question whether the other two co-accused of the petitioner are known to the petitioner and whether the petitioner has been implicated only because the other two accused are in Malaysia is to be considered and gone into during the trial of the case. In the afore-noticed circumstances, no useful purpose would be served in keeping the petitioner in custody.

In the circumstances, on furnishing personal bond and surety by the petitioner to the satisfaction of the learned Chief Judicial Magistrate, Kapurthala he shall be admitted to bail. The petitioner shall surrender his passport, if any, in the Court of learned Chief Judicial Magistrate, Kapurthala.

The criminal miscellaneous petition stands disposed of.

July 12, 2007. **(S.S. Saron)**
Judge

hsp